

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

RYAN M. JINDRA, ENVISION
INVESTMENT ADVISORS, LLC; and
ENVISION FINANCIAL GROUP, INC.,

Defendants.

8:09CV216

MEMORANDUM AND ORDER

This matter is before the court on the unopposed motion to dismiss defendants Envision Investment Advisors, LLC, and Envision Financial Group, Inc., filed by the plaintiff Securities and Exchange Commission (“the SEC”), Filing No. [115](#), and the SEC’s motion for judgment by consent as to defendant Ryan M. Jindra, Filing No. [114](#). The SEC has shown that the defendant entities are defunct and that defendant Ryan M. Jindra has consented to the entry of judgment in substantially the form as that attached to his consent. Filing No. 114, Attachment 1, Consent at 1 (Doc # 114-1, Page ID # 548); Proposed Final Judgment (Doc # 114-1, Page ID # 553-56).

Defendant Jindra consents to the entry of a judgment that permanently restrains and enjoins him from violating Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder; Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. § 80b-6(1) and 80b-6(2)]; Section 206(4) of the Advisers Act [15 U.S.C. § 80b-6(4)] and Rules 206(4)-4 and 206(4)-7 thereunder [17 C.F.R. §§ 275.206(4)-4 and 275.206(4)-7]; and Section 204 of the Advisers Act [15 U.S.C.

§ 80b-4] and Rule 204-2(a)(7)(B) thereunder [17 C.F.R. § 275.204-2(a)(7)(B)]. Filing No. 114, Attachment 1, Consent at 1. Defendant further agrees to an order finding him liable to pay disgorgement of \$484,235.52 which is deemed satisfied by the order of restitution in the Judgment entered on April 27, 2012 in the related criminal case, *United States v. Jindra*, No. 8:10CR43, Filing No. 101, Judgment in a Criminal Case. See *id.* at 2. Also, the defendant agrees that no civil penalty under Exchange Act Section 21(d)(3) [15 U.S.C. § 78u(d)(3)] and Advisers Act Section 209(e) [15 U.S.C. § 80b-9(e)] will be ordered in light of the criminal sanctions ordered by the court in the related criminal case. *Id.*

The court is advised that the parties have also agreed to the disposition of certain funds frozen and held in bank accounts as a result of the Temporary Restraining Order and Order of Preliminary Injunction, Filing No. [16](#). See Filing No. 118, text entry. The parties agree that the remaining funds will be applied to defendant Jindra's criminal restitution order in *United States v. Jindra*, No. 8:10CR43, Filing No. 101. The court finds the motion for judgment by consent should be granted.

IT IS ORDERED:

1. The plaintiff's unopposed motion to dismiss (Filing No. [115](#)) is granted.
2. The plaintiff's claims against defendants Envision Investment Advisors, LLC, and Envision Financial Group, Inc., are dismissed.
3. The plaintiff's motion for judgment by consent (Filing No. [114](#)) is granted.
4. Defendant Jindra's Consent (Filing No. 114, Attachment 1) is incorporated herein as if fully set forth.

5. Defendant Jindra is liable for disgorgement of \$484,235.52, representing profits gained as a result of the conduct alleged in the Complaint, which is deemed satisfied by the order of restitution in *United States v. Jindra*, No. 8:10CR43, Filing No. 101.

6. By agreement of the parties, no civil penalty is imposed in this case.

7. This court's order for preliminary injunction, asset freeze, and other equitable relief (Filing No. [16](#)) is hereby dissolved.

8. Any frozen funds held in bank accounts as a result of the Temporary Restraining Order and Order of Preliminary Injunction (Filing No. [16](#)) shall be applied to defendant Jindra's criminal restitution order in *United States v. Jindra*, No. 8:10CR43.

9. A Final Judgment and Injunction in accordance with Memorandum and Order and defendant Jindra's Consent (Filing No. 114, Attachment 1) will issue this date.

10. This court retains jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment and Injunction.

Dated this 25th day of September, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge